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CONCORD, N.H.

1953

Dec. 8

Honorable Oliver W. Marvin, Chairman
State Tax Commission
State House

Dear Judge Marvin:

In a letter of November 19, 1953, you inquire whether the New Hampshire Electric Cooperative, Inc. is subject to the franchise tax imposed by R. L. c. 84. We assume, for the purpose of this opinion, that the organization named is organized under the provisions of R. L. c. 273, s. 52; and we reply that it is not.

We invite your attention to R. L. c. 273 s. 53 which provides:

"Co-operative associations organized under section 52 shall have all of the powers and privileges of co-operatives organized under any other provisions of this chapter."

Examining R. L. c. 273, s. 48, it will be seen that:

"Each association organized hereunder shall pay an annual fee of ten dollars only, in lieu of all franchise, license or corporation taxes, or taxes or charges upon reserves held by it for members."

It is noted that by Laws 1951 c. 293 s. 8 amending R. L. c. 273 s. 56 electric cooperatives were made fully subject to the regulatory power exercised by the Public Utilities Commission. This fact, it appears to us, has no bearing upon the application of the franchise tax.

Very truly yours,

Warren E. Waters
Deputy Attorney General

WEP:RM